

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Jon C. Taenzer et al. CONFIRMATION NO.: 5451  
SERIAL NO.: 10/757,796  
FILING DATE: 01/13/2004  
TITLE: EARSET ASSEMBLY  
EXAMINER: Ni, Suhan  
ART UNIT: 2614

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Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Petition Under 37 CFR 1.181(a) to Withdraw Holding of Abandonment  
Based on Timely-Filed Reply**

Sir:

Applicants hereby respectfully petition for withdrawal of the holding of abandonment in the above-captioned application.

A Final Office Action was mailed on December 12, 2007. Applicants filed a timely Reply on February 13, 2008. A postcard receipt of the Reply, stamped by the Patent Office with date of February 13, 2008, is included herewith. Applicants did not receive any further Office Actions and the six month period for response expired on June 12, 2008.

Applicants believe that the Reply *prima facie* places the application in condition for allowance because it establishes that the references relied upon in the Final Office Action rejection are not prior art against the invention.

Early and favorable consideration is earnestly solicited.

Please charge any additional required fees, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

Respectfully submitted,  
THELEN REID BROWN RAYSMAN & STEINER LLP

Dated: 06/16/2008

/Khaled Shami/  
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REVIEWED BY DOCKET

Serial/Patent No.: 10/757,796

Applicant: Jon C. Taenzer et al.

Title: EARSET ASSEMBLY

Filing/Issue Date: 01/13/2004

Docket No.: 035372-003

Date Mailed: 02/11/2008

Atty/Sec'y Initials: REK/KS/ja

Docket Due Date: 02/12/2008

The following has been received in the U.S. Patent & Trademark Office on the date stamped herein:

- ☒ Amendment/Response (8 pgs.)  
☐ Appeal Brief (\_\_\_\_ pgs.)  
☐ Application - Utility (\_\_\_\_ pgs. with cover & abstract)  
☐ Application - Rule 1.53(b) Continuation (\_\_\_\_ pgs.)  
☐ Application - Rule 1.53(b) Division (\_\_\_\_ pgs.)  
☐ Application - Rule 1.53(b) CIP (\_\_\_\_ pgs.)  
☐ Application - Rule 1.53(d) CPA (\_\_\_\_ pgs.)  
☐ Application - PCT (\_\_\_\_ pgs.)  
☐ Application - Provisional (\_\_\_\_ pgs.)  
☐ Assignment and Cover Sheet  
☐ Certificate of Correction  
☒ Certificate of Mailing  
☐ Declaration & POA (\_\_\_\_ pgs.)  
☐ Fee Transmittal  
☐ Drawings (informal):  
\_\_\_\_ # of sheets includes \_\_\_\_ figures  
☒ Other:  
Request to Correct Inventorship Under 37 CFR 1.48(B) (2 pgs.), Declaration of Jon C. Taenzer and Thanh Q. Nguyen Under 37 CFR 1.131 (8 pgs.)  
☐ IDS & PTO 1449 (\_\_\_\_ pgs.)  
☐ \_\_\_\_ Pieces of Prior Art Enclosed  
☐ Issue Fee Transmittal  
☐ Submission of Formal Drawings:  
\_\_\_\_ # of sheets includes \_\_\_\_ figures  
☐ Notice of Appeal  
☒ Postcard  
☐ Preliminary Amendment (\_\_\_\_ pgs.)  
☐ Reply Brief (\_\_\_\_ pgs.)  
☐ Req. and Cert. Not to Publish - Rule 1.213  
☐ Request for Continued Examination (RCE) (\_\_\_\_ pgs.)  
☐ Request for Extension of Time \_\_\_\_ Month(s)  
☐ Response to Notice to File Missing Parts  
☐ Copy of PTO Notice to File Missing Parts  
☒ Transmittal Letter  
☐ Express Mail No.: \_\_\_\_  
☐ Credit Card Transmittal for \$ \_\_\_\_  
☐ Deposit Acct. No. 50-1698 \$ \_\_\_\_  
Patent Code: \_\_\_\_  
Client/Matter # 035372-003

